

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

In the Matter of the Application of )  
Silv Communication Inc., Inc. for a )  
Certificate of Public Convenience and Necessity )  
to Provide Resold Interexchange )  
Telecommunications Services Throughout )  
The State of South Carolina and for )  
Alternative Regulation )  
\_\_\_\_\_ )

Docket No. \_\_\_\_\_

**MOTION FOR PROTECTIVE TREATMENT AND  
BASIS FOR FILING EXHIBIT D AS TRADE SECRET**

**Introduction**

Silv Communication Inc. ("Silv" or "Applicant"), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the South Carolina Public Service Commission ("Commission"), of certain commercially-sensitive financial statements attached as ***Exhibit D***, filed as Trade Secret to the Application of Silv Communication Inc. for a Certificate of Public Convenience and Necessity to Provide Resold Interexchange Telecommunications Services throughout the State of South Carolina and for Alternative Regulation ("Application"). Because this Motion is an inseparable part of the Application, it is being filed concurrently therewith.

In support of this Motion, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

Silv Communication Inc.  
3460 Wilshire Boulevard, Suite 1103  
Los Angeles, California 90010  
Telephone: 213.381.7999  
Facsimile: 213.384.7711

2. Correspondence or communications regarding this Motion should be addressed to:

Bonnie D. Shealy, Esquire  
Robinson, McFadden & Moore, P.C.  
1901 Main Street, Suite 1200  
P.O. Box 944  
Columbia, SC, 29202  
Tel: 803-779-8900  
Fax: 803-252-0724  
Email: [bshealy@robinsonlaw.com](mailto:bshealy@robinsonlaw.com)

with a copy to:

Andrew O. Isar  
MILLER ISAR, INC.  
7901 Skansie Avenue, Suite 240  
Gig Harbor, Washington 98335  
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Fax: 253-851-6474

#### **I. Description of Confidential Information.**

3. The Application requires Silv to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits copies of its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

## II. Grounds for Claim of Confidentiality.

4. Silv is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as *Exhibit D* to the Application are not readily available to persons external to Silv.

5. Because the projected financial statements submitted by Silv in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, Silv seeks to protect such material from public disclosure. Silv derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors, including interexchange carriers ("IXCs") in South Carolina, as well as in other states in which Silv provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. Silv clarifies herein that its request for protection applies only to the documents attached as *Exhibit D* to the Application. Silv is not seeking protection of any type for those reports Silv is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

### CONCLUSION

7. The audited financial information included in support of Silv's Application, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The

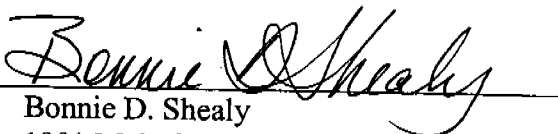
substantial and direct harm that could be caused to Silv as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required Silv to make this information available to the public. For all these reasons, the projected financial statements attached as *Exhibit D* to the Application should be protected from public disclosure by the Commission.

WHEREFORE, Silv respectfully requests that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the audited financial statements attached as *Exhibit D* to the Application of Silv Communication Inc., for a Certificate of Public Convenience and Necessity to Provide Resold Interexchange Telecommunications Services throughout the State of South Carolina and for Alternative Regulation filed *under seal* as Confidential in this proceeding.

Dated this 9<sup>th</sup> day of February, 2009.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

By   
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Attorneys for Silv Communication Inc.

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**APPLICATION OF SILV COMMUNICATION INC.  
EXHIBIT D**

Financial Statements

**CONFIDENTIAL & PROPRIETARY  
FILED UNDER SEAL**